

ESTTA Tracking number: **ESTTA432868**

Filing date: **09/28/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91200183
Party	Plaintiff The Worlds Pageants, LLC
Correspondence Address	THOMAS T AQUILLA AQUILLA PATENTS & MARKS PLLC 221 COE HILL ROAD CENTER HARBOR, NH 03226 UNITED STATES info@aquillapatents.com
Submission	Motion to Strike
Filer's Name	Thomas T. Aquilla
Filer's e-mail	info@aquillapatents.com
Signature	/Thomas T. Aquilla/
Date	09/28/2011
Attachments	TWP-701L_Mot-Strike.pdf ( 10 pages )(165227 bytes ) ExhibitA.pdf ( 6 pages )(150974 bytes ) ExhibitB.pdf ( 10 pages )(573925 bytes ) ExhibitC.pdf ( 4 pages )(64048 bytes ) ExhibitD-DEC1.pdf ( 2 pages )(82291 bytes ) ExhibitE.pdf ( 6 pages )(260638 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

THE WORLD'S PAGEANTS, LLC,	)	
Opposer,	)	Opposition No. 91,200,183
	)	
	)	For: "MISS G-STRING
	)	INTERNATIONAL"
	)	
v.	)	Serial No. 77/753,000
	)	Published December 7, 2010
MISS G-STRING INTERNATIONAL, LLC,	)	
Applicant.	)	
	)	

COMMISSIONER OF TRADEMARKS  
2900 Crystal Drive  
Arlington, VA 22202-3513

**OPPOSER'S MOTION TO STRIKE MATTER FROM APPLICANT'S ANSWER**

Pursuant to the provisions of Rule 12(f) of the Federal Rules of Civil Procedure and Section 506 of the Trademark Trial and Appeal Board Manual of Procedure, Opposer The World's Pageants, LLC ("TWP" or "Opposer"), by and through its attorney, Thomas T. Aquilla, hereby respectfully moves the Trademark Trial and Appeal Board to strike matter from Applicant Miss G-String International, LLC's Answer. More particularly, Opposer respectfully requests that the Board strike from Applicant's Answer the second through sixth Affirmative Defenses and the Denials in paragraphs numbered one through three and five through eight in the Answer, all of which collaterally attack Opposer's asserted Registration No. 2,037,202. This motion is based on the fact that Opposer's Reg. No. 2,037,202 is registered and incontestable, and the fact that Applicant failed to timely file a compulsory counterclaim to cancel Opposer's

Reg. No. 2,037,202 with its Answer. Therefore, Applicant waived the counterclaim for cancellation of Opposer's Registration and thereby forfeited said Affirmative Defenses and Denials for the purposes of this Opposition, thus they should be struck from the pleading.

## **1. FACTS**

In support of this Motion, Opposer, The World's Pageants, LLC shows as follows:

1. On June 6, 2011, Opposer The World's Pageants, LLC, represented by its attorney, Thomas T. Aquilla, initiated this opposition by filing a Notice of Opposition against Applicant Miss G-String International, LLC. (See Notice, attached as **Ex. A.**)
2. On July 19, 2011, Applicant Miss G-String International, LLC, represented by its attorney, Luke Lirot, responded in this opposition by filing an Answer to Opposer's Notice of Opposition. (See Answer, attached as **Ex. B.**)
3. In the Answer, Applicant pleaded Affirmative Defenses and Denials that collaterally attack Opposer's asserted Registration No. 2,037,202, which is registered on the Principal Register and incontestable. (See Answer, attached as **Ex. B** and Reg. No. 2,037,202, attached as **Ex. C.**)
4. Applicant did not file a timely Petition and Statutory Fee for Cancellation of Opposer's Reg. No. 2,037,202 and Applicant's Answer did not include a timely counterclaim and Fee for cancellation of Opposer's Reg. No. 2,037,202. (See Answer, attached as **Ex. B** and TWP's Dec. ¶ 4, attached as **Ex. D.**)

5. On September 23, 2003, Applicant further attacked Opposer's incontestable Registration, when William Eadie of Miss G-String International, LLC (*i.e.*, Applicant) filed an unconsented proposed Amendment (Section 7 Declaration) in Opposer's asserted Reg. No. 2,037,202 (Eadie Dec., attached as **Ex. E**). Mr. Eadie failed to file a copy of the proposed Amendment and any assignment transmitted therewith with the Board in this Opposition proceeding, and also failed to serve copies on Opposer. (See Eadie Dec., attached as **Ex. E**, and TWP's Dec. ¶ 5, attached as **Ex. D**.)
6. The best of Opposer's knowledge, Applicant holds no legal title to Opposer's Reg. No. 2,037,202. (See TWP's Dec. ¶ 7, attached as **Ex. D**.)
7. Applicant filed the Section 7 Declaration in Opposer's Reg. No. 2,037,202 without Opposer's knowledge or authorization, with the intent to deceive the Office (See TWP's Dec. ¶ 6-8, attached as **Ex. D**.)
8. Therefore, Opposer respectfully moves the Board for an Order to Strike from Applicant's Answer the second through sixth Affirmative Defenses, and the Denials in paragraphs numbered one through three and five through eight. In light of Applicant's inequitable conduct, Opposer also respectfully moves the Board for an Order to Strike the unconsented Section 7 Declaration filed on September 23, 2003, by William Eadie in Opposer's Registration.

## 2. THE LAW

### Motions to Strike

Motions to strike are authorized by Rule 12(f) of the Federal Rules of Civil Procedure and TBMP § 506. Rule 12(f) states:

*"The court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. The court may act: (1) on its own; or (2) on motion made by a party either before responding to the pleading or, if a response is not allowed, within 21 days after being served with the pleading."*

TBMP § 506.01 further states that "The Board also has the authority to strike an impermissible or insufficient claim or portion of a claim from a pleading."<sup>1</sup>

TBMP § 506.02 states that a motion to strike matter from a pleading should be filed within the time for, and before, the moving party's responsive pleading. If no responsive pleading is required, the motion should be filed within 21 days after service upon the moving party of the pleading that is the subject of the motion. However, the Board, in its discretion, may entertain an untimely motion to strike matter from a pleading, and if a motion to strike is filed after the discovery conference, it will be decided like any other pretrial motion. TBMP § 506.02.

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<sup>1</sup> See *Western Worldwide Enterprises Group Inc. v. Qinqdao Brewery*, 17 USPQ2d 1137, 1139 (TTAB 1990) (ground for cancellation not available for registration over five years old); *American Vitamin Products, Inc. v. Dow Brands Inc.*, 22 USPQ2d 1313, 1314 (TTAB 1992) (insufficient affirmative defenses stricken); *Continental Gummi-Werke AG v. Continental Seal Corp.*, 222 USPQ 822, 825 (TTAB 1984) (affirmative defense stricken because identical to counterclaim).

## Compulsory Counterclaims

Counterclaims for cancellation of pleaded registrations in Board proceedings are governed by 37 CFR § 2.106(b)(2)(i), which states:

*"A defense attacking the validity of any one or more of the registrations pleaded in the opposition shall be a compulsory counterclaim ... [and] if grounds for a counterclaim are known to the applicant when the answer to the opposition is filed, the counterclaim shall be pleaded with or as part of the answer."*

37 CFR § 2.106(b)(2)(ii) further states:

*"An attack on the validity of a registration pleaded by an opposer will not be heard unless a counterclaim or separate petition is filed to seek the cancellation of such registration."*

Stated most plainly, the Board cannot entertain an applicant's attack upon the validity of a registration pleaded by an opposer, unless the applicant timely files a counterclaim or a separate petition to cancel the opposer's registration, together with payment of the required statutory fee.<sup>2</sup> Moreover, an applicant that fails to timely plead a compulsory counterclaim in its answer cannot avoid the effect of its failure by thereafter asserting the counterclaim in a separate petition to cancel. In such a case, the separate petition will be dismissed, on motion, on the ground that the substance of the petition constitutes a compulsory counterclaim in another proceeding, and that it was not timely asserted. TBMP § 313.04.

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<sup>2</sup> See TBMP § 313.04; 37 CFR § 2.106(b)(2)(iii) and 37 CFR § 2.114(b)(2)(iii); *Williamson-Dickie Manufacturing Co. v. Mann Overall Company*, 359 F.2d 450, 149 USPQ 518, 520 (CCPA 1966) (payment of fee is necessary to give Board jurisdiction).

## **Amendments to Applications and Registrations**

The amendment of any Application or Registration involved in an *inter partes* proceeding before the Board is governed by 37 CFR §2.133(a), which states:

*"An application involved in a proceeding may not be amended in substance nor may a registration be amended or disclaimed in part, except with the consent of the other party or parties and the approval of the Trademark Trial and Appeal Board, or except upon motion."*

Therefore, any Application or Registration subject to an *inter partes* proceeding before the Board may not be amended in substance or disclaimed in part, without the consent of the other party and the approval of the Board, except upon motion. TBMP § 514.01. Any proposed Amendment also must comply with all other applicable rules and statutory provisions, including 37 CFR § 2.71-2.75 (see 15 USC § 1057(e) and 37 CFR § 2.173). A request to amend an Application or Registration that is the subject of *inter partes* Board proceedings should bear at its top both the number of the subject application or registration and the Board proceeding number and title, as well as proof of service thereon of every other party to the proceeding. See 37 CFR § 2.119(a) and TBMP 113 (Service of Papers). Indeed, a request to amend a Registration involved in a Board proceeding must be filed with the Board, not with the Post Registration Branch.

### **3. ARGUMENT**

#### **(3.1)**

#### **Applicant Failed to Assert a Compulsory Counterclaim With its Answer Thereby Waiving the Counterclaim**

In opposition proceedings before the Board, any defense that attacks the validity of a registration pleaded in the opposition is a compulsory counterclaim that must be pleaded as part

of the answer. 37 CFR § 2.106(b)(2)(i). Furthermore, any such attack on the validity of the pleaded registration is waived by the opposer and will not be heard by the Board, if the compulsory counterclaim was not properly asserted at the time of filing the answer. 37 CFR § 2.106(b)(2)(ii). Moreover, an applicant that fails to timely pay the statutory fee and plead the compulsory counterclaim in its answer cannot thereafter assert the counterclaim in a separate petition to cancel. 37 CFR § 2.106(b)(2)(iii) and 37 CFR § 2.114(b)(2)(iii); TBMP § 313.04; *Williamson-Dickie Manufacturing Co. v. Mann Overall Company*, 359 F.2d 450, 149 USPQ 518, 520 (CCPA 1966) (payment of fee is necessary to give Board jurisdiction).

In its Answer to the Notice of Opposition, Applicant failed to plead a timely compulsory counterclaim for cancellation of Opposer's Registration and failed to pay the required statutory fee. See Answer and TWP Dec. ¶ 4. Applicant also failed to file a separate Petition for Cancellation of Opposer's Registration at the time of filing the Answer. TWP Dec. ¶ 4. By Applicants failure to file the compulsory counterclaim with its Answer, Applicant thereby waived the counterclaim for cancellation of Opposer's Registration. 37 CFR §§ 2.106(b)(2)(i) - 2.106(b)(2)(iii). Applicant also forfeited the second through sixth Affirmative Defenses, and the Denials pleaded in numbered paragraphs 1-3 in the Answer, for the purposes of this Opposition, because they collaterally attack the validity of Opposer's incontestable Registration. *Id.*

**(3.2)**  
**Applicant's Answer Improperly Attacks**  
**Opposer's Incontestable Registration**

Even though Applicant failed to timely assert the compulsory counterclaim, Applicant's Answer includes several Affirmative Defenses and Denials that collaterally attack the validity of Opposer's Reg. No. 2,037,202, as well as numerous redundancies. See Answer, **Ex. B**. For example, the Denials in numbered paragraphs one through three of the Answer attack the incontestable status of Opposer's Registration (see Answer, ¶ 1-3), and the Denials in numbered



paragraphs 5-8 are redundant in that they all deny likelihood of confusion (see Answer, ¶ 5-8). Additionally, the second through sixth Affirmative Defenses in the Answer all collaterally attack the validity of Opposer's Reg. No. 2,037,202. See Answer, p. 3-8. However, because the compulsory counterclaim was not properly asserted at the time of filing the Answer, any such attack on the validity of Opposer's Registration is waived by Opposer and will not be heard by the Board. 37 CFR § 2.106(b)(2)(ii).

Because Applicant failed to timely file the statutory fee and compulsory counterclaim to cancel Opposer's Reg. No. 2,037,202 with its Answer, Applicant waived the counterclaim and thereby forfeited the second through sixth Affirmative Defenses and the Denials in paragraphs numbered one through three and five through eight in the Answer. Opposer therefore respectfully requests that the Board strike from Applicant's Answer said Affirmative Defenses and Denials for the purposes of this Opposition proceeding.

**(3.3)**  
**Applicant's Section 7 Declaration**  
**Demonstrates Inequitable Conduct**

While this Opposition was pending, on September 23, 2011, Applicant filed an unconsented proposed Amendment (Section 7 Declaration) in Opposer's asserted Reg. No. 2,037,202. See Eadie Dec., attached as **Ex. E**. However, Applicant did not have Opposer's consent or authorization to file the Amendment and furthermore failed to file a copy of the Section 7 Declaration and the assignment transmitted therewith (if any) with the Board in this Opposition, and also failed to serve copies on Opposer. (See Eadie Dec., attached as **Ex. E** and TWP Dec. ¶ 5-8, attached as **Ex. D**).

Under 37 CFR §2.133(a), any Application or Registration subject to an *inter partes* proceeding before the Board may not be amended, without the consent of the other party and the approval of the Board, except upon motion. TBMP § 514.01. Any proposed Amendment also

must comply with all other applicable rules and statutory provisions, including 37 CFR § 2.71-2.75 (see 15 USC § 1057(e) and 37 CFR § 2.173). Furthermore, a request to amend an Application or Registration that is the subject of *inter partes* Board proceedings should bear at its top both the number of the subject application or registration and the Board proceeding number and title, as well as proof of service thereon of every other party to the proceeding, and must be filed with the Board, not with the Post Registration Branch. See 37 CFR § 2.119(a) and TBMP 113 (Service of Papers).

Applicant's Section 7 Declaration plainly on its face does not comply with any of these applicable rules and regulations. See Eadie Dec., attached as **Ex. E**. Applicant's filing of the unconsented Section 7 Declaration in Opposer's Registration demonstrates inequitable conduct, because the Declaration includes material misrepresentations made with an intent to deceive the Office. William Eadie did not have authorization to act on behalf of The Worlds Pageants, LLC and there is no legal relationship between the parties in agency or otherwise. (See Eadie Dec., attached as **Ex. D**) Rather, Applicant filed the proposed Amendment in Opposer's Reg. No. 2,037,202 without Opposer's knowledge or authorization and without giving notice to the Board, with the intent to deceive the Office (See TWP Dec. ¶ 6-8, attached as **Ex. D**).

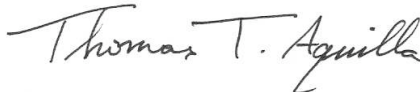
#### **4. CONCLUSION**

Although Rule 12(f) of the Federal Rules of Civil Procedure states that a motion to strike matter from a pleading **should be** filed within the time for the moving party's responsive pleading (or 21 days), **the Board, in its discretion, may entertain an untimely motion to strike matter from a pleading.** TBMP § 506.02 (emphasis added). Although in this case Applicant's Motion to Strike is filed after discovery has commenced, discovery only opened on August 18 and does not close until February. Therefore, Opposer respectfully submits that this Motion should be decided like any other pretrial motion. *Id.* Particularly in view of Applicant's

unclean hands with respect to the unconsented Section 7 Declaration, Opposer maintains that the equities weigh heavily in favor of granting Opposer's Motion to Strike.

Because Applicant did not pay the required statutory fee or timely file the compulsory counterclaim to cancel Opposer's Registration, Applicant automatically waived any defenses that collaterally attack the validity of Opposer's Registration in this proceeding. Furthermore, Applicant's filing of the Section 7 Declaration in Opposer's registration was unconsented by Opposer and unauthorized by the assignee of the Registration. Accordingly, Opposer seeks an Order from the Board granting Opposer's Motion to Strike from Applicant's Answer the second through sixth Affirmative Defenses and the Denials in paragraphs numbered one through three and five through eight in the Answer that collaterally attack Opposer's Registration, and an Order rejecting the unauthorized Section 7 Declaration filed by William Eadie in Opposer's Registration.

Respectfully Submitted:

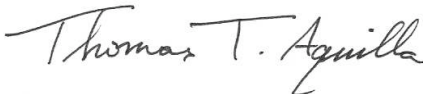


Dated: **September 28, 2011**

By: /Thomas T. Aquilla/  
Registration No. 43,473  
(603) 253-9474  
Aquilla Patents & Marks PLLC  
221 Coe Hill Road  
Center Harbor, NH 03226

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been mailed via the U.S. Postal Service via First Class Mail, in an envelope addressed to Counsel for Applicant, Luke Charles Lirot, 2240 Belleair Road, Suite 190 Clearwater FL 33764, on **September 28, 2011**.



Thomas T. Aquilla, Esq.

## EXHIBIT A

Trademark Trial and Appeal Board Electronic Filing System. <http://estta.uspto.gov>

ESTTA Tracking number: **ESTTA412971**

Filing date: **06/06/2011**

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	The Worlds Pageants, LLC
Granted to Date of previous extension	06/05/2011
Address	1005 Mabbette Street Kissimmee, FL 34741 UNITED STATES

Attorney information	THOMAS T AQUILLA AQUILLA PATENTS & MARKS PLLC 221 COE HILL ROAD CENTER HARBOR, NH 03226 UNITED STATES info@aquillapatents.com Phone:6032539474
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### Applicant Information

Application No	77753000	Publication date	12/07/2010
Opposition Filing Date	06/06/2011	Opposition Period Ends	06/05/2011
Applicant	Miss G-String International LLC 1420 Sunningdale Lane Ormond Beach, FL 32174 UNITED STATES		

### Goods/Services Affected by Opposition

Class 041. First Use: 2009/04/29 First Use In Commerce: 2009/04/29  
All goods and services in the class are opposed, namely: Entertainment services in the nature of conducting beauty pageants and talent contests

### Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2037202	Application Date	03/27/1996
Registration Date	02/11/1997	Foreign Priority Date	NONE

<b>Word Mark</b>	<b>MISS NUDE INTERNATIONAL</b>
<b>Design Mark</b>	
<b>Description of Mark</b>	<b>NONE</b>
<b>Goods/Services</b>	<b>Class 041. First use: First Use: 1991/06/00 First Use In Commerce: 1991/06/00 entertainment services in the nature of promoting and conducting beauty pageants</b>

<b>Attachments</b>	<b>RDP-701_NotOpp.pdf ( 4 pages )(422836 bytes )</b>
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## **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

<b>Signature</b>	<b>/Thomas T. Aquilla/</b>
<b>Name</b>	<b>THOMAS T AQUILLA</b>
<b>Date</b>	<b>06/06/2011</b>

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application of Miss G-String International LLC )	)
Serial No. 77/753,000 )	) Published December 7, 2010
Filed: June 5, 2009 )	) in Class 041
For: "MISS G-STRING INTERNATIONAL" )	)

COMMISSIONER OF TRADEMARKS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

ATTN: BOX TTAB

**NOTICE OF OPPOSITION**

THE WORLDS PAGEANTS LLC., a Corporation organized under and according to the laws of the State of Florida, having its principal place of business at 1005 Mabbette Street, Kissimmee, FL 34741, by its attorney, THOMAS T. AQUILLA of Aquilla Patents & Marks PLLC, believes it will be damaged by the grant of a registration to MISS G-STRING INTERNATIONAL LLC, located at 1420 Sunningdale Lane, Ormond Beach, FL 32174 ("Applicant"), based on Application Serial No. 77/753,000 for the mark "MISS G-STRING INTERNATIONAL" filed June 5, 2009, and hereby gives notice of its intention to oppose the registration of the mark.

**FACTS**

1. Opposer has been in the business of providing entertainment services, including advertising, promoting and conducting beauty pageants, and has used the mark "MISS NUDE INTERNATIONAL" in interstate commerce well prior to Applicant's filing date.

2. Opposer is the assignee of U.S. Registration No. 2,037,202 issued February 11, 1997 for the mark "MISS NUDE INTERNATIONAL" for entertainment services in the nature of promoting and conducting beauty pageants in International Class 041. This registration is valid, incontestable and enforceable.

4. As a result of the use, promotion and advertising of Opposer's "MISS NUDE INTERNATIONAL" mark for the services identified above, Opposer's mark has acquired significant goodwill. Opposer's "MISS NUDE INTERNATIONAL" mark identifies and distinguishes its services from the services of others.

5. On June 5, 2009, Applicant filed an application for the mark "MISS G-STRING INTERNATIONAL" for services as follows: "Entertainment services in the nature of conducting beauty pageants and talent contests" in International Class 041.

6. The similarity of Applicant's "MISS G-STRING INTERNATIONAL" mark to Opposer's "MISS NUDE INTERNATIONAL" mark is evident from a simple comparison of the marks, and the services for which Applicant's mark is intended to be used are closely related to Opposer's services.

7. In view of the similarity of the respective marks and the related nature of the services of the respective parties, it is alleged that Applicant's mark so resembles Opposer's mark as to be likely to cause confusion or to cause mistake or to deceive.

8. The use of the mark sought to be registered by Applicant is likely to cause confusion or mistake in the minds of consumers and lead consumers and prospective purchasers to believe Applicant's services as designated are services of Opposer, or in some way backed by, sponsored by, franchised by, approved by, associated with, or otherwise connected with the good name and reputation of Opposer, to the damage and injury of the purchasing public, and to the damage and injury of Opposer and its goodwill in the "MISS NUDE INTERNATIONAL" mark.

9. Opposer will be injured and damaged by the granting to Applicant of the registration for the mark for which registration is sought because such mark, when applied to the services of Applicant:

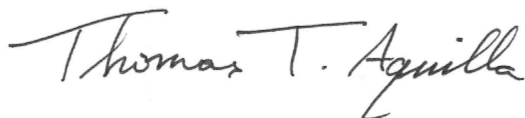
- a. is likely to cause confusion or to cause mistake or to deceive;
- b. falsely suggests a connection with Opposer, giving Applicant the unqualified right to pass off its services as those of Opposer;
- c. will damage Opposer's valuable goodwill in its "MISS NUDE INTERNATIONAL" mark; and
- d. threatens Opposer's right to expand the scope of use of its marks to related, analogous or equivalent items and results in injury to Opposer's established rights in and to its marks.

WHEREFORE, Opposer files this Notice of Opposition and prays that registration of Application Serial No. 77/753,000 for the mark "MISS G-STRING INTERNATIONAL" be denied and that this Opposition be sustained in favor of Opposer.

Payment in the amount of \$300 for the filing fee for the Notice of Opposition is included with this transmittal.

Favorable consideration of this Request is earnestly requested.

Respectfully Submitted:  
THE WORLDS PAGEANTS LLC



June 6, 2011

By: \_\_\_\_\_ Dated: \_\_\_\_\_

Thomas T. Aquilla, Reg. No. 43,473  
Attorney for Petitioner  
AQUILLA PATENTS & MARKS, PLLC  
221 Coe Hill Road  
Center Harbor, NH 03226  
(603) 253-9474 • (888) 503-2508 (fax)

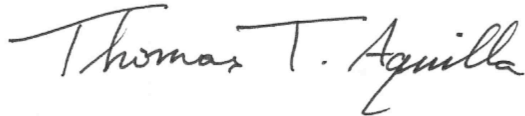


e-mail: info@aquillapatents.com

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION has been served on William Eadie of Miss G-String International LLC, by mailing said copy on June 6, 2011, via First Class Mail, postage prepaid to:

MISS G-STRING INTERNATIONAL LLC  
1420 Sunningdale Lane  
Ormond Beach, FL 32174

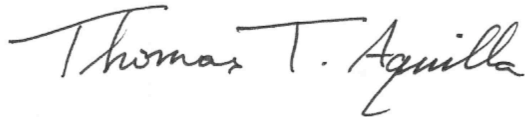


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Attorney for Opposer  
Signed 6/6/2011

**Designation of Domestic Representative**

Attorney Thomas T. Aquilla, whose postal address is 221 Coe Hill Road, Center Harbor, NH 03226, is hereby designated THE WORLDS PAGEANTS LLC's representative upon whom notice or process in this proceeding may be served.



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Attorney for Opposer  
Signed 6/6/2011

## EXHIBIT B

Trademark Trial and Appeal Board Electronic Filing System. <http://estta.uspto.gov>

ESTTA Tracking number: **ESTTA420621**

Filing date: **07/19/2011**

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91200183
Party	Defendant Miss G-String International LLC
Correspondence Address	MISS G-STRING INTERNATIONAL LLC 1420 SUNNINGDALE LANE ORMOND BEACH, FL 32174 UNITED STATES
Submission	Answer
Filer's Name	Luke Lirot
Filer's e-mail	luke2@lirotlaw.com
Signature	/Luke Lirot/
Date	07/19/2011
Attachments	Eadie - Applicant's Answer to Opposer's Notice of Opposition 7-19-11.pdf ( 34 pages )(1172563 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 77/753,000

Published in the *Official Gazette* on December 07, 2010

THE WORLD'S PAGEANTS, LLC,

Opposer,

- against -

MISS G-STRING INTERNATIONAL LLC,

Applicant.

Index No.: ESTTA412971

**APPLICANT'S ANSWER TO  
OPPOSER'S NOTICE OF  
OPPOSITION**

July 19, 2011

**APPLICANT'S ANSWER TO OPPOSER'S NOTICE OF OPPOSITION**

In response to the Notice of Opposition issued by the Board on June 06, 2011, MISS G-STRING INTERNATIONAL LLC ("Applicant") hereby responds to THE WORLD'S PAGEANTS, LLC ("Opposer") as follows:

1. Opposer claims it has been in the business of providing entertainment services, including advertising, promoting and conducting beauty pageants, and has used the mark "MISS NUDE INTERNATIONAL" in interstate commerce well prior to Applicant's filing date. The Applicant challenges this statement and would deny same.
2. Opposer claims it is the assignee of U.S. Registration No. 2,037,202 issued February 11, 1997, for the mark "MISS NUDE INTERNATIONAL" for entertainment services in the nature of promoting and conducting beauty pageants in International Class 041. Applicant disputes that "this registration is valid, incontestable and enforceable," due to legal deficiencies in the assignment and deficiencies in the legal existence of the Opposer's corporate entities, and denies same.

3. Opposer claims that, as a result of the use, promotion and advertising of Opposer's "MISS NUDE INTERNATIONAL" mark for the services identified above, Opposer's mark has acquired significant goodwill. Opposer claims that the "MISS NUDE INTERNATIONAL" mark identifies and distinguishes its services from the services of others. Applicant categorically denies these statements as a valid basis for opposition.
4. The Opposer is correct that, on June 5, 2009, Applicant filed an application for the mark "MISS G-STRING INTERNATIONAL" for services as follows: "Entertainment services in the nature of conducting beauty pageants and talent contests," in International Class 041. This is admitted.
5. Applicant denies that there is any similarity of Applicant's "MISS G-STRING INTERNATIONAL" mark to Opposer's "MISS NUDE INTERNATIONAL" mark. No such similarity is evident from a simple comparison of the marks, since there are scores of marks with similar language, and the services for which Applicant's mark is intended to be used are not closely related to Opposer's services.
6. Opposer states that, in view of the similarity of the respective marks and the related nature of the services of the respective parties, it is alleged that Applicant's mark so resembles Opposer's mark as to be likely to cause confusion or to cause mistake or to deceive. Applicant denies these statements.
7. Applicant denies that the use of the mark sought to be registered by Applicant is likely to cause confusion or mistake in the minds of consumers and lead consumers and prospective purchasers to believe Applicant's services as designated are services of Opposer, or in some way backed by, sponsored by, franchised by, approved by, associated with, or otherwise connected with the good name and reputation of Opposer, to the

damage and injury of the purchasing public, and to the damage and injury of Opposer and its goodwill in the "MISS NUDE INTERNATIONAL" mark. This is denied.

8. Applicant denies that Opposer will be injured and damaged by the granting to Applicant of the registration for the mark for which registration is sought because such mark, when applied to the services of Applicant:

a. Applicant denies that it, 'is likely to cause confusion or to cause mistake or to deceive;'

b. Applicant denies that it, "falsely suggests a connection with Opposer, giving Applicant the unqualified right to pass off its services as those of Opposer;"

c. Applicant denies that it, "will damage Opposer's valuable goodwill in its 'MISS NUDE INTERNATIONAL' mark;" and

d. Applicant denies that it, "threatens Opposer's right to expand the scope of use of its marks to related, analogous or equivalent items and results in injury to Opposer's established rights in and to its marks.

### **AFFIRMATIVE DEFENSES**

In further answer to the Notice of Opposition, Applicant asserts the following Affirmative Defenses:

#### **FIRST AFFIRMATIVE DEFENSE**

Opposer's Notice of Opposition fails to state a claim upon which relief can be granted, and in particular, fails to state legally sufficient grounds for sustaining the opposition.

#### **SECOND AFFIRMATIVE DEFENSE**

The terms "MS. NUDE INTERNATIONAL" and "MS. G-STRING INTERNATIONAL," to the extent they use the terms "MISS" and "INTERNATIONAL," are highly diluted as a trademark formative, and hence weak, and Opposer's purported rights extend no further than to the specific marks which Opposer alleges as it owns, none of which are the same as or confusingly similar to Applicant's marks in terms of connotation, appearance and/or pronunciation.

Attached hereto as Exhibit "A." is a Trademark Electronic Search System (TESS) search for marks using "Miss" and "International," and there are 73 marks using those qualifying terms, over half of which are "live."

### **THIRD AFFIRMATIVE DEFENSE**

Applicant's use of its mark will not mistakenly be thought by the public to derive from the same source as Opposer's goods, nor will such use be thought by the public to be used by Opposer or with the Opposer's authorization or approval. To be abundantly clear, the marks "MISS G-STRING INTERNATIONAL" and "MISS NUDE INTERNATIONAL" are not confusingly similar. Factoring the scores of marks beginning with "Miss" and ending in "International," the concepts of a "G-String" and being "Nude" are mutually exclusive and irreconcilable. A woman's "G-String" undergarment is clothed; "NUDE" connotes a complete lack of any clothing, totally.

### **FOURTH AFFIRMATIVE DEFENSE**

Applicant's mark, in its entirety, is sufficiently and distinctively different from Opposer's mark to avoid confusion, deception or mistake as to the source or sponsorship or association of Applicant's goods. The description of the marks "MISS NUDE INTERNATIONAL," is described as: "typed drawing." The description of the mark for "MISS NUDE INTERNATIONAL" is described as "the color(s) white, yellow gold, pink and black is/are claimed as a feature of the mark. The mark consists of the stylized wording 'MISS G-STRING INTERNATIONAL' with the word 'G-STRING' in yellow gold. The word 'MISS' in white is above the word 'G-STRING' and the word 'INTERNATIONAL' in white is below the word 'G-STRING.' All of the wording is outlined in black. All of the words are superimposed upon a woman's pink undergarment."

### **FIFTH AFFIRMATIVE DEFENSE**

Applicant's mark, when used on Applicant's goods, is not likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection or association of Applicant with Opposer, or as to the origin, sponsorship, or approval of Applicant's goods by Opposer. As set forth above, the concepts of a "G-String" and being "Nude" are mutually exclusive and irreconcilable. A woman's "G-String" undergarment is clothed; "NUDE" connotes a complete lack of any clothing, totally. Any claim that there is a likelihood of confusion between "NUDE" and "G-String" under Section 2(d) is without merit. In finding a likelihood of confusion between marks, the board considers the similarity of the marks, goods and services, and similarity of trade channels of the goods and services.<sup>1</sup> Even identical names could be validly registered

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<sup>1</sup> *In re Opus One, Inc.*, 60 USPQ2d 1812 (TTAB 2001); *In re Azteca Rest. Enters., Inc.*, 50 USPQ2d 1209 (TTAB 1999).

as trademarks without any risk of confusion so long as they are for different goods and services, as identified in the Applicant's application and registrant's registration.<sup>2</sup> Indeed, there is no evidence of a plausibly conceivable relationship between "NUDE" and "G-String". Even applying the "something more" test found in *Opus One* and *Jacobs v. International Multifoods Corporation*, which requires a finding of an extremely arbitrary mark being used in relation to a similar or complementary good or service, the marks are unlikely to be confusingly similar.<sup>3</sup> Additionally, there is no complementary relationship between the two marks. The dissimilarities between these marks and respective relationships with their relevant markets are substantial enough to ensure there will be no likelihood of confusion within the consuming public. Based on the evidence, there is no risk of confusion as to any aspect of "NUDE" and "G-String" comprising the same or similar goods, services or relevant markets under Section 2(d).

## SIXTH AFFIRMATIVE DEFENSE

As an additional affirmative defense, the legal status of the holder of the mark, and the professional status of the mark holder's attorney, are deserving of scrutiny. To fully explain the facts supporting this affirmative defense, the following sequence of facts and exhibits are helpful:

1. Applicant is MISS G-STRING INTERNATIONAL LLC, (hereinafter "MGSI") a State of Florida Limited Liability Company formed on 04/23/09, having its principal place of business at 1420 Sunningdale Lane, Ormond Beach, FL 32174. (Exhibit B).

2. MGSI first used the mark "MISS G-STRING INTERNATIONAL" in commerce on 04/29/09 and filed an application to register the mark "MISS G-STRING INTERNATIONAL" with the USPTO on 06/05/09. (Exhibit C).

3. Opposer is THE WORLDS PAGEANTS, LLC, (hereafter TWP) a State of Florida Limited Liability Company formed on 05/05/09, having its principal place of business at 1005 Mabbette Street, Kissimmee, FL 34741. (Exhibit D).

4. A search of THE WORLDS PAGEANTS, LLC with the State of Florida Department of State, Division of Corporations, lists John Witges of 1005 Mabbette Street, Kissimmee, FL 34741 as the "Managing Member". (Exhibit D).

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<sup>2</sup> *Opus One*, 60 USPQ2d at 1812 citing *Canadian Imperial Bank of Commerce v. Wells Fargo Bank, N.A.*, 811 F.2d 1490, 1 USPQ2d 1813 (Fed. Cir. 1987).

<sup>3</sup> *Opus One*, 60 USPQ2d at 1812; *Jacobs v. Int'l Multifoods Corp.*, 688 F.2d 1234, 212 USPQ 642 (CCPA 1982).

5. The State of Florida Department of State, Division of Corporations lists TWP as "Inactive, Admin Dissolution for Annual Report," filed on 09/24/10. (Exhibit D).
6. TWP is not the registered owner of the mark "MISS NUDE INTERNATIONAL" but, in the Notice of Opposition, it attests that it is the assignee of the mark. (Exhibit E / Page 2, Paragraph 2).
7. R&D PROMOTIONS, INC. (hereinafter "RDP"), a Florida Corporation, is the registered owner of the mark "MISS NUDE INTERNATIONAL" with the U.S. Registration No. 2,037,202. (Exhibit F).
8. RDP was formed on 12/04/00 and lists Gracinda Cardoso of 1473 Heather Way, Kissimmee, FL 34744 as President. (Exhibit F).
9. Attorney Thomas T. Aquilla is the Attorney of Record for both RDP & TWP. (Exhibits E, G, H, I, and J).
10. The State of Florida Department of State, Division of Corporations lists RDP as "Inactive, Admin Dissolution for Annual Report," filed on 09/16/05. (Exhibit F). The State of Florida Department of State, Division of Corporations has provisions to reinstate an administratively dissolved entity; however, these provisions are no longer available and RDP cannot be reinstated.
11. RDP omitted to disclose to the USPTO that RDP was not a legal entity, and had not been a recognized legal entity since September 16, **2005**. (Exhibit F).
12. RDP omitted to disclose to the USPTO that RDP was not a legal entity and had not been a recognized legal entity since September 16, **2005**, at the time the USPTO renewed the mark "MISS NUDE INTERNATIONAL" on 04/16/07. (Exhibit G).
13. RDP filing for the first renewal of the mark "MISS NUDE INTERNATIONAL" with U.S. Registration Number 2037202 with the USPTO is asserted as being invalid, since the holder of the mark was a corporation not in lawful existence when renewal was effected. (Exhibit G).
14. It is respectfully asserted that RDP abandoned the mark "MISS NUDE INTERNATIONAL" on 09/16/05. (Exhibit F).
15. It is respectfully asserted that RDP cannot transfer or assign the mark "MISS NUDE INTERNATIONAL" to TWP after its date of dissolution by the State of Florida, Division of Corporations on 09/16/05. (Exhibit F).



16. It is respectfully asserted that the alleged assignee TWP does not have standing to oppose the mark "MISS G-STRING INTERNATIONAL" since TWP does not have a valid assignment of the mark "MISS NUDE INTERNATIONAL" as TWP was not formed until 05/05/09, (Exhibit D), long after the administrative dissolution of RDP on 09/16/05 (Exhibit F).
17. TWP cannot register a valid assignment of the mark "MISS NUDE INTERNATIONAL" with the USPTO, as RDP constructively abandoned the mark on 09/16/05. (Exhibit F).
18. TWP is not a legal entity now (Exhibit D), nor was it a legal entity at the time it filed the first (1/6/11) second (2/3/11) and third (4/4/11) extensions of time to oppose and its Notice of Opposition. (Exhibits H, I, and J).
19. TWP and its Attorney Thomas T. Aquilla filed their NOTICE OF OPPOSITION with malice of forethought by attesting to an invalid assignment of mark, U.S. Registration No. 2,03,202. (Exhibit G).
20. MGSI first used the mark "MISS G-STRING INTERNATIONAL" in commerce on 04/29/09. (Exhibit C).
21. TWP first used the mark "MISS NUDE INTERNATIONAL" in commerce not earlier than 05/05/09, the date that TWP registered with the State of Florida Department of State, Division of Corporations. (Exhibit D).
22. MGSI has Prior Use of the mark "MISS G-STRING INTERNATIONAL," occurring before any use asserted by TWP for the use of "MISS NUDE INTERNATIONAL." (See Exhibits C and D).
23. Attorney Thomas T. Aquilla is the Attorney of Record for TWP. (Exhibits E, G, H, I, and J).
24. Attorney Thomas T. Aquilla's address is 221 Coe Hill Road, Center Harbor, NH 03226. (Exhibits E, G, H, I, and J).
25. Attorney Thomas T. Aquilla was suspended from the practice of law in New Hampshire on 01/06/11 and reinstated April 26, 2011. (Exhibit K).
26. It is respectfully asserted that Thomas T. Aquilla was not lawfully authorized or licensed by the New Hampshire Bar Association to act as an attorney when he filed first (1/6/11), second (2/3/11), and third (4/4/11) extensions of time to oppose (Exhibits H, I, and J), having not been reinstated until 04/26/11. (Exhibit K).

27. Additionally, the TWP third request for extension of time to oppose MGSI Trademark Application required the approval of applicant, MGSI.

28. MGSI would have declined the third request for extension of time to oppose, filed by its suspended Attorney Thomas T. Aquilla on 04/04/11.

29. TWP did not make a request to obtain the approval of MGSI for the third request for extension of time to oppose MGSI Trademark Application.

30. TWP fraudently claimed extraordinary circumstances by its suspended Attorney Thomas T. Aquilla claiming the TWP principal was out of the country attending to an ill family member, to circumvent MGSI approval rights.

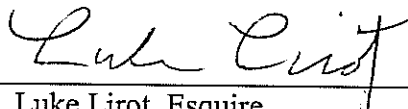
31. The TWP filings for extension of time to oppose MGSI trademark application must be filed by an Attorney legally permitted to practice law. Since Mr. Aquilla was suspended from the practice of law in New Hampshire, it would appear that the TWP filings for extensions of time to oppose to MGSI trademark application are invalid.

32. Based on the foregoing procedural defects, it is asserted as a full and complete affirmative defense that the corporate entity asserting opposition to the mark "MISS G-STRING INTERNATIONAL" is defective because of the timing of its creation and dissolution, thus casting doubt on Opposer's standing to oppose the acknowledgement of Applicant's mark, as well as having been represented by a suspended attorney.

### **RELIEF REQUESTED**

**WHEREFORE**, Applicant respectfully requests that this Opposition be dismissed, with prejudice and that the registration sought by Application Serial No. 77/753000 for the mark "MISS G-STRING INTERNATIONAL" be allowed to proceed to registration.

Respectfully Submitted:

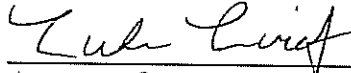
By:   
Luke Lirot, Esquire  
Florida Bar Number 714836  
LUKE CHARLES LIROT, P.A.  
2240 Belleair Road, Suite 190  
Clearwater, Florida 33764

Dated: July 19, 2011

Telephone: (727) 536-2100  
Facsimile: (727) 536-2110  
*Attorneys for the Applicant*

**CERTIFICATION OF ELECTRONIC FILING**

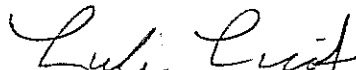
I hereby certify that the attached APPLICANT'S ANSWER TO OPPOSER'S NOTICE OF OPPOSITION was filed electronically with the Trademark Trial and Appeal Board on July 19, 2011.

  
\_\_\_\_\_  
Attorney for Applicant  
Signed July 19, 2011

**CERTIFICATE OF SERVICE**

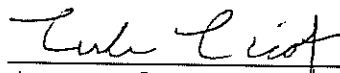
I hereby certify that a true and complete copy of the foregoing APPLICANT'S ANSWER TO OPPOSER'S NOTICE OF OPPOSITION has been served on Thomas T. Aquilla, Esq., domestic representative of THE WORLDS PAGEANTS LLC as Registrant's Attorney of Record and Correspondence as listed in the TARR system as of this date by mailing said copy on July 19, 2011, via First Class Mail, postage prepaid to:

Thomas T. Aquilla, Esq.  
221 Coe Hill Road  
Center Harbor, New Hampshire, 03226

  
\_\_\_\_\_  
Attorney for Applicant  
Signed July 19, 2011

***Designation of Domestic Representative***

Attorney Luke Lirot, Esq., whose postal address is 2240 Belleair Rd., Suite 190, Clearwater, FL 33764, is hereby, designated MISS G-STRING INTERNATIONAL, LLC's representative upon whom notice or process in this proceeding may be served.

  
\_\_\_\_\_  
Attorney for Applicant  
Signed July 19, 2011

**Thank you for your request. Here are the latest results from the [TARR web server](#).**

**This page was generated by the TARR system on [2011-09-28 16:36:33 ET](#)**

**Serial Number:** [75079154](#) [Assignment Information](#) [Trademark Document Retrieval](#)

**Registration Number:** [2037202](#)

**Mark (words only):** [MISS NUDE INTERNATIONAL](#)

**Standard Character claim:** [No](#)

**Current Status:** [The registration has been renewed.](#)

**Date of Status:** [2007-04-16](#)

**Filing Date:** [1996-03-27](#)

**Transformed into a National Application:** [No](#)

**Registration Date:** [1997-02-11](#)

**Register:** [Principal](#)

**Law Office Assigned:** [LAW OFFICE 107](#)

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 830 -Post Registration

**Date In Location:** 2007-04-16

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. R&D PROMOTIONS, INC.

**Address:**

R&D PROMOTIONS, INC.  
1005 MABETTE STREET  
KISSIMMEE, FL 34741  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Florida

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**GOODS AND/OR SERVICES**

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**International Class:** 041

**Class Status:** Active

entertainment services in the nature of promoting and conducting  
beauty pageants

**Basis:** 1(a)

**First Use Date:** 1991-06-00

**First Use in Commerce Date:** 1991-06-00

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**ADDITIONAL INFORMATION**

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**Disclaimer:** "NUDE INTERNATIONAL"

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## MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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## PROSECUTION HISTORY

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2011-09-23 - TEAS Section 7 Request Received

2007-04-16 - First renewal 10 year

2007-04-16 - Section 8 (10-year) accepted/ Section 9 granted

2007-02-12 - Combined Section 8 (10-year)/Section 9 filed

2007-02-12 - TEAS Section 8 & 9 Received

2006-12-20 - Case File In TIGRS

2005-12-22 - TEAS Change Of Correspondence Received

2005-01-25 - TEAS Change Of Correspondence Received

2003-04-21 - Section 8 (6-year) accepted & Section 15 acknowledged

2003-01-27 - Section 8 (6-year) and Section 15 Filed

2003-02-10 - PAPER RECEIVED

2003-01-27 - TEAS Section 8 & 15 Received

1997-02-11 - Registered - Principal Register

1996-11-19 - Published for opposition

1996-10-18 - Notice of publication

1996-09-13 - Approved for Pub - Principal Register (Initial exam)

1996-09-10 - Examiner's amendment mailed

1996-09-06 - Assigned To Examiner

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## **ATTORNEY/CORRESPONDENT INFORMATION**

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### **Attorney of Record**

THOMAS T. AQUILLA

### **Correspondent**

THOMAS T AQUILLA

AQUILLA PATENTS & MARKS PLLC

221 COE HILL RD

CENTER HARBOR, NH 03226-3605

Phone Number: 603-253-9474

Fax Number: 603-253-9476

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BOX TTAB - NO FEE Attorney Docket No.: TWP-701L
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

THE WORLD'S PAGEANTS, LLC,	)	
Opposer,	)	Opposition No. 91,200,183
	)	
	)	For: "MISS G-STRING
	)	INTERNATIONAL"
	)	
v.	)	Serial No. 77/753,000
	)	Published December 7, 2010
MISS G-STRING INTERNATIONAL, LLC,	)	
Applicant.	)	
	)	

COMMISSIONER OF TRADEMARKS  
2900 Crystal Drive  
Arlington, VA 22202-3513

BOX TTAB - NO FEE

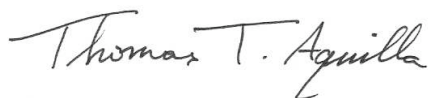
**DECLARATION OF THOMAS T. AQUILLA**

I, Thomas T. Aquilla, the undersigned, do hereby declare and state as follows:

1. I am the attorney of record for Opposer, The Worlds Pageants, LLC, assignee of Registration No. 2,037,202 for MISS NUDE INTERNATIONAL, which is registered on the Principal Register and incontestable. (See Reg. No. 2,037,202, Exhibit C).
2. On June 6, 2011, The World's Pageants, LLC initiated this opposition by filing a Notice of Opposition ("the Notice") against Applicant Miss G-String International, LLC. (See Notice, Exhibit A).
3. On July 19, 2011, Applicant Miss G-String International, LLC, represented by its attorney, Luke Lirot, responded in this opposition by filing an Answer to Opposer's Notice of Opposition ("the Answer"). (See Answer, Exhibit B).



4. Applicant did not file or serve a timely Petition and Fee for Cancellation of Opposer's Reg. No. 2,037,202 and Applicant's Answer did not include a timely counterclaim and Fee for cancellation of Opposer's Reg. No. 2,037,202. (See Answer, Exhibit B).
5. On September 23, 2003, Applicant further attacked Opposer's incontestable Registration, when William Eadie of Miss G-String International, LLC (*i.e.*, Applicant) filed an unauthorized, unconsented Section 7 Declaration in Opposer's asserted Reg. No. 2,037,202. Mr. Eadie failed to file a copy of the Section 7 Declaration and the assignment transmitted therewith (if any) with the Board in this Opposition, and also failed to serve copies on Opposer. (See Section 7, attached as Ex. E and TWP's Dec., attached as Ex. D).
6. Applicant filed the Section 7 Declaration in Opposer's Reg. No. 2,037,202 without Opposer's knowledge or authorization, with the intent to deceive the Office (See TWP's Dec., attached as Ex. D).
7. To the best of my knowledge, Applicant holds no legal title to Opposer's Reg. No. 2,037,202.
8. William Eadie did not have authorization to act on behalf of The Worlds Pageants, LLC and there is no relationship of agency between Eadie William and Opposer.
9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent or trademark issued thereon.



Thomas T. Aquilla Date September 28, 2011

## Section 7 Request Form

The table below presents the data as entered.

Input Field	Entered
<b>REGISTRATION NUMBER</b>	2037202
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 107
<b>SERIAL NUMBER</b>	75079154
<b>MARK SECTION (current)</b>	
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>LITERAL ELEMENT</b>	MISS NUDE INTERNATIONAL
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font style, size or color.
<b>OWNER SECTION (current)</b>	
<b>NAME</b>	R&D PROMOTIONS, INC.
<b>STREET</b>	1005 MABETTE STREET
<b>CITY</b>	KISSIMMEE
<b>STATE</b>	Florida
<b>ZIP/POSTAL CODE</b>	34741
<b>COUNTRY</b>	United States
<b>OWNER SECTION (proposed)</b>	
<b>NAME</b>	WILLIAM EADIE
<b>STREET</b>	1420 SUNNINGDALE LANE
<b>CITY</b>	ORMOND BEACH
<b>STATE</b>	Florida
<b>ZIP/POSTAL CODE</b>	32174
<b>COUNTRY</b>	United States
<b>PHONE</b>	386 492 6443

FAX	386 492 6443
EMAIL	ssp0607@aol.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
<b>LEGAL ENTITY SECTION (current)</b>	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Florida
<b>LEGAL ENTITY SECTION (proposed)</b>	
TYPE	individual
<b>EXPLANATION OF FILING</b>	
Partial Satisfaction of Judgment.	
<b>CORRESPONDENCE SECTION</b>	
ORIGINAL ADDRESS	THOMAS T AQUILLA AQUILLA PATENTS & MARKS PLLC 221 COE HILL RD CENTER HARBOR New Hampshire (NH) United States (USX) 03226-3605
<b>NEW CORRESPONDENCE SECTION</b>	
NAME	WILLIAM EADIE
STREET	1420 SUNNINGDALE LANE
CITY	ORMOND BEACH
STATE	Florida
ZIP/POSTAL CODE	32174
COUNTRY	United States
PHONE	386 492 6443
FAX	386 492 6443
EMAIL	ssp0607@aol.com
AUTHORIZED EMAIL COMMUNICATION	Yes
<b>PAYMENT SECTION</b>	
TOTAL FEES DUE	The filing Attorney has elected not to submit a fee payment for the class(es), believing no fee payment is required under the <i>Trademark Rules of Practice</i> .

<b>SIGNATURE SECTION</b>	
DECLARATION SIGNATURE	/WILLIAM EADIE/
SIGNATORY'S NAME	WILLIAM EADIE
SIGNATORY'S POSITION	OWNER
DATE SIGNED	09/23/2011
REQUEST SIGNATURE	/WILLIAM EADIE/
SIGNATORY'S NAME	WILLIAM EADIE
SIGNATORY'S POSITION	OWNER
DATE SIGNED	09/23/2011
AUTHORIZED SIGNATORY	YES
CONCURRENT § 8, 8 & 15, OR 8 & 9 FILED	NO
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Fri Sep 23 12:23:35 EDT 2011
TEAS STAMP	USPTO/S7R-97.102.45.232-2 0110923122335362521-20372 02-480452cf7bf5ae7aaa87af bfea21507b6f-N/A-N/A-2011 0923120213384202

## Section 7 Request Form

### To the Commissioner for Trademarks:

The registrant requests the following amendment(s) to registration no. **2037202** MISS NUDE INTERNATIONAL

### EXPLANATION OF FILING

Partial Satisfaction of Judgment.

### OWNER AND/OR ENTITY INFORMATION

**Registrant proposes to amend the following:**

**Current:** R&D PROMOTIONS, INC., a corporation of Florida, having an address of  
1005 MABETTE STREET

KISSIMMEE, Florida 34741

United States

**Proposed:** WILLIAM EADIE, having an address of

1420 SUNNINGDALE LANE

ORMOND BEACH, Florida 32174

United States

ssp0607@aol.com

386 492 6443

386 492 6443

### **CORRESPONDENCE ADDRESS CHANGE**

Registrant proposes to amend the following:

**Current:** THOMAS T AQUILLA AQUILLA PATENTS & MARKS PLLC 221 COE HILL RD  
CENTER HARBOR New Hampshire (NH) United States (USX) 03226-3605

**Proposed:** WILLIAM EADIE, having an address of 1420 SUNNINGDALE LANE ORMOND BEACH,  
Florida United States 32174, whose e-mail address is ssp0607@aol.com, whose phone number is 386 492  
6443 and whose fax number is 386 492 6443.

I hereby elect *not* to submit any fee. I believe no fee is required because I am seeking to correct an immaterial, *e.g.*, clerical, error that was the fault of the USPTO, rather than the fault of the owner. I understand that the Office may, upon later review, require a fee payment.

### **SIGNATURE(S)**

#### **Declaration Signature**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or document or any resulting registration, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

Signature: /WILLIAM EADIE/ Date: 09/23/2011

Signatory's Name: WILLIAM EADIE

Signatory's Position: OWNER

#### **Request Signature**

Signature: /WILLIAM EADIE/ Date: 09/23/2011

Signatory's Name: WILLIAM EADIE

Signatory's Position: OWNER

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either (1) the registrant or (2) a person(s) with legal authority to bind the registrant; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of his/her prior representative to withdraw.

The registrant is NOT filing a Declaration of Use of Mark under Section 8; a Combined Declaration of Use of Mark under Sections 8 & 15; or a Combined Declaration of Use of Mark/Application for Renewal of Registration of Mark under Sections 8 & 9 in conjunction with this Section 7 Request.

Mailing Address: WILLIAM EADIE  
1420 SUNNINGDALE LANE  
ORMOND BEACH, Florida 32174

Serial Number: 75079154

Internet Transmission Date: Fri Sep 23 12:23:35 EDT 2011

TEAS Stamp: USPTO/S7R-97.102.45.232-2011092312233536

2521-2037202-480452cf7bf5ae7aaa87afbfea2

1507b6f-N/A-N/A-20110923120213384202

**ROUTING SHEET TO POST REGISTRATION (PRU)****Registration Number:** 2037202**Serial Number:** 75079154**RAM Sale# NOT FOUND****Total Fees:** \$0

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>	
\$7 request		20110923	\$0	0	0	\$0

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICS (AM-FLG-IN-TICS): True

**Transaction Date:** 20110923